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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,292	06/30/2003	Selim Aissi	884.935US1	5816

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EXAMINER	
BADII, BEHRANG	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,292	AISSI, SELIM	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-8,30-33 and 37-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-8,30-33 and 37-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed on 1/25/06 have been fully considered but they are not persuasive. The applicant's additions of storing data onto a wireless device and server are covered below via Mayaud, USPAP 2002/0042726. Claims 6 and 32 have to do with generating a key (Ogg et al., col.2, 60-67; col.3, 1-6; col.7, 29-40; col.15, 58-67; col.16, 1-4; col.17, 61-67; col.18, 1-24). Claims 40 and 46 are also discloses by Ogg et al. (col.2, 60-67; col.3, 1-6; col.41, 45-52; col.40, 42-52; claims 1, 13, 29, 41).

2112 [R-3] Requirements of Rejection Based on Inherency; Burden of Proof

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have

been obvious to modify Ogg et al. to include incrementing an audit counter such as that taught by Scullion et al. in order to initiate the addition of contents of audit counter memory location of that particular time frame to the contents of corresponding audit counter memory locations for a higher order time frame (col. 15).

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 50 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim50, the phrase "high-value audit session" renders the claim indefinite because the scope of the term is unclear. The term "high value audit session" in claim 50 is a relative term which renders the claim indefinite. The term "high value audit session" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-6, 8, 30-32, 37-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogg et al., U.S. patent 6,868,406 and further in view of Mayaud, USPAP 2002/0042726. As per claims 4 and 30, Ogg et al. discloses a method/ machine-readable medium comprising: selectively auditing a number of transactions between a computing device and a server based on a type for the number of transactions, wherein selectively auditing of the number of transactions includes securely storing at least one attribute of selected audited transactions within the computing device (col.2, 60-63; col.3, 1-6; abstract). Ogg does not disclose a wireless computing device. Mayaud discloses saving audit information on a wireless device (p12, 66, 93; claims 30, 35 and 37; fig. 16). It would have been obvious to modify Ogg to include saving audit information on a wireless device such as that taught by Mayaud in order for such handheld computers to embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring. As per claims 5 and 31, Ogg et al. further discloses wherein securely storing the at least one attribute of one of the selected audited transactions comprises: storing at least one attribute of the selected audited transaction into an audit log into a memory in the computing device (col.11, 59-67; col.12, 1-3); and encrypting the audit log based on an encryption key that is generated and stored within the computing device (col.12, 15-26; col.18, 25-29; col.20, 50-59). As per claims 6 and 32, Ogg et al. further discloses wherein securely storing the at least one attribute comprises: generating an integrity metric of the audit log (col.43, 1-27; col.11, 59-67; col.12, 1-3); and generating a signature of the integrity

metric with a signature key that is generated and stored within the computing device (col.43, 1-27; col.11, 59-67; col.12, 1-3) (generating a key) (col.12 and col.13, col.7, col15, col.16, col.17, co.18). As per claim 8, Ogg et al. further discloses wherein the at least one attribute is selected from a group consisting of the type of transaction, a monetary amount of the transaction and a time of the transaction (col.32, 1-14). As per claims 37 and 43, Ogg et al. further discloses wherein selectively auditing of the number of transactions includes opening an audit session (col.26, 61-64; col.34, 42-54; col.35, 1-21) upon receipt of one of the selected audited transactions, wherein securely storing the at least one attribute of one of the selected audited transactions includes storing at least one attribute of the selected audited transaction into an audit log into a memory in the computing device (col.11, 59-67; col.12, 1-3). As per claims 38 and 44, Ogg et al. further discloses wherein selectively auditing of the number of transactions further comprises: closing the audit session (col.26, 61-64; col.34, 42-54; col.35, 1-21); and generating a hash of the audit log after the audit session is closed (col.11, 59-67; col.12, 1-3). As per claims 39 and 45, Ogg et al. further discloses wherein selectively auditing of the number of transactions further comprises generating a digital signature of the hash based a first encryption key, after the audit session is closed (col.43, 1-27; col.12, 15-26; col.18, 25-29; col.20, 50-59). As per claims 40 and 46, Ogg et al. further discloses wherein selectively auditing of the number of transactions further comprises storing the hash and the digital signature in the audit log, after the audit session is closed (col.11, 59-67; col.12, 1-3) (col. 12, 12, 41, 40; claims 1, 13, 29 and 41). As per claims 41 and 47, Ogg et al. further discloses wherein selectively auditing of the number

of transactions further comprises encrypting the at least one attribute with a second encryption key, after the audit session is closed (col.12, 15-26; col.18, 25-29; col.20, 50-59). As per claims 42 and 48, Ogg et al. further discloses wherein the at least one attribute is selected from a group consisting of the type of transaction, a monetary amount of the transaction and a time of the transaction (col.32, 1-14). As per claim 49, Ogg et al further discloses wherein the encryption key is stored within a memory within a cryptographic processing module of the computing device (col.12, 15, 16, 20, 11, 12, and 18). As per claim 50, Ogg et al further discloses wherein securely storing the at least one attribute of one of the selected audited transactions comprises: storing the encrypted audit log in a memory of a cryptographic processing module in the computing device which performed the encrypting, in response to a determination that an audit session that includes the number of audit transactions is a high-valued audit session; and storing the encrypted audit log in a memory that is external to the cryptographic processing module, in response to a determination that the audit session is not a high-value audit session (col. 15, 16, 11, 12, 20, and 18). Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogg et al., U.S. patent 6,868,406 and Mayaud, USPAP 2002/0042726 as applied to claims 6 and 32 above, and further in view of Scullion et al., U.S. patent 4,734,865. Ogg et al. discloses wherein securely storing the at least one attribute as discussed above. Ogg et al. further discloses wherein securely storing the at least one attribute comprises: storing a value, the integrity metric (data) and the signature (data) in the audit log (storing data into the audit log) (col.43, 1-27) (col.31 and 32). Ogg et al. does not disclose incrementing an audit counter. Scullion

et al. discloses incrementing an audit counter (col.15, 19-44). It would have been obvious to modify Ogg et al. to include incrementing an audit counter such as that taught by Scullion et al. in order to keep track of the number of transactions in the order by which they were audited and initiate the addition of contents of audit counter memory location of that particular time frame to the contents of corresponding audit counter memory locations for a higher order time frame.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to (571)273-8300

Hand delivered responses should be brought to

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

PRIMARY EXAMINER